IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 1ST MARCH 2007 / 10TH PHALGUNA 1928

WP(C).No. 5477 of 2007(B)

PETITIONER:

LALSAMMA JAMES, W/O.GEORGE CHERIAN,
AGED 43 YEARS, RESIDING AT
PANACHIKALAYIL HOUSE, VETTIMUGAL P.O.,
ETTUMANNOOR, KOTTAYAM WORKING AS PHARMACIST,
GENERAL HOSPITAL,PALA.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:

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1. THE DISTRICT MEDICAL OFFICER OF
HEALTH, KOTTAYAM.

2. K.N. GOPINATHAN, PHARMACIST,
I.T.I. ETTUMANNOOR, (ON ORDERS OF TRANSFER
TO I.C.H. KOTTAYAM.)

3. JASMI JAMES, PHARMACIST,
M.C.H., KOTTAYAM, (ON ORDERS OF TRANSFER TO
I.T.I., ETTUMANNOOR).

4. ROSILY THOMAS, PHARMACIST,
I.C.H., KOTTAYAM (ON ORDERS OF TRANSFER TO
M.C.H. KOTTAYAM).

BY GOVT.PLEADER SRI.P.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

EXT.P1 A TRUE COPY FO DISCHARGE CERTIFICATE ISSUED BY THE AMRITHA INSTITUTE OF MEDICAL SCIENCES.

EXT.P2 A TRUE COPY OF THE CIRCULAR DTD.4.2.2007 ISSUED BY THE DIRECTORATE OF HEALTH SERVICES.

EXT.P3 A TRUE COPY OF THE ORDER OF THE FIRST RESPONDENT DATED 15.2.2007.

EXT.P4 A TRUE COPY OF THE RELIEVING ORDER DATED 15.2.2007 ISSUED TO THE 2ND RESPONDENT.

TRUE COPY

P.A.TO JUDGE

K.K.DENESAN, J

W.P.(C)NO.5477 of 2007

Dated this the 1st day of March, 2007

JUDGMENT

The petitioner is working as a Pharmacist. As per Ext.P3 order, three persons who also belong to the same category have been transferred and posted to stations which are shown against their names in Ext.P3. The petitioner had submitted a request for a posting in any one of the above places. Therefore, she has challenged Ext.P3. She apprehends that by filling up the vacancies in February 2007, her claim due to be considered at the time of general transfers is likely to be frustrated.

2. Learned counsel for the petitioner submits that this Court may make it clear that the claim of the petitioner for transfer to any one of the places shown in Ext.P3 shall not be denied by the competent authority at the time of general transfers and postings by referring to Ext.P3. The petitioner has submitted an application in the prescribed proforma to consider

her case for general transfer.

2. Heard the Government Pleader for the respondents. None appears for respondents 2 to 4 despite the service of notice.

3. In the above circumstances, I am inclined to dispose of the writ petition directing the first respondent or the Director of Health Services, as the case may be, to consider the case of the petitioner for posting in any one of the places shown in Ext.P3 at the time of general transfers. It is made clear that Ext.P3 order shall not stand in the way of such consideration. Ordered accordingly.

K.K.DENESAN, JUDGE

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